



**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

VIA EMAIL

October 29, 2019

Maraya Cornell
MuckRock News
DEPT MR 79838
411A Highland Ave
Somerville, MA 02144-2516

Re: OIG-2020-00014

Dear Maraya Cornell:

This is in response to your Freedom of Information Act (FOIA) request dated October 8, 2019, which was received by the Office of Inspector General (OIG) on the same date. You requested the following information under the FOIA, 5 U.S.C. § 552: All records in the case file for an IG investigation, including all complaints and interviews, which resulted in Report Number: 18-0700, "BLM Official Allegedly Abused Travel and Government Vehicle." The investigation is referred to in Principal Assistant Secretary Casey Hammond's letter of dismissal to the official in question, a named individual at BLM.

Your October 8, 2019, request asked for a fee waiver which was granted. Therefore, in this case, no fee has been assessed.

Your request can be interpreted as an assertion that the OIG has documents regarding the individual named in your request. We neither confirm nor deny that the OIG has documents in response to the specific individual that you have named in your request. Specifically, the type of information you seek would be exempt pursuant to FOIA exemption 5 U.S.C. § 552 (b)(7)(C) because you are a third-party requester. *See, e.g., Antonelli v. FBI*, 721 F.2d 615, 617 (7th Cir. 1983) (deciding that "Glomar" response is appropriate for third-party requests when requester had identified no public interest in disclosure). Accordingly, the OIG can neither confirm nor deny the existence of any documents concerning the individual named in your request. However, if such documents exist, they would be protected from disclosure under FOIA Exemption 7(C).

FOIA requires that agencies generally disclose records. Agencies may only withhold requested records if one or more of nine exemptions apply.

Exemption 7 allows agencies to refuse to disclose records compiled for law enforcement purposes under any one of six circumstances (identified as exemptions 7 (A) through 7 (F)). Law enforcement within the meaning of Exemption 7 includes enforcement pursuant to both civil and criminal statutes.

Specifically, Exemption 7(C) permits an agency to withhold information contained in files compiled for law enforcement purposes if production “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” U.S.C. § 552 (b)(7)(C). Thus, the purpose of Exemption 7(C) is to protect the privacy interest of an individual if one exists. To determine this, we must evaluate not only the nature of the personal information found in the records, but also whether release of that information to the general public could affect that individual adversely. We find that release of personal information withheld here reasonably could be expected to have a negative impact on an individual’s privacy. Even if a privacy interest exists, we must nevertheless disclose the requested information if the public interest outweighs the privacy interest in the information requested. You have not established that release of the privacy information of witnesses, interviewee, middle and low-ranking federal employees and investigators, and other individuals named in the investigatory file, would shed light on government operations, and we have not found such a public interest in this case. For this reason, after reviewing the information in question, we have determined that disclosure would be an unwarranted invasion of personal privacy and we must withhold this information under FOIA Exemption 7(C).

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure.

If you disagree with this response, you may appeal this response to the OIG’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the OIG FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the OIG’s response is in error. You must also include with your appeal copies of all correspondence between you and the OIG concerning your FOIA request, including your original FOIA request and the OIG’s response. Failure to include with your appeal all correspondence between you and the OIG will result in the OIG’s rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer’s sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal. The OIG FOIA/Privacy Act Appeals Office Contact Information is the following:

Office of the Inspector General
U.S. Department of the Interior
1849 C Street, NW

MS-4428
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: 202-208-6742
Fax: 202-219-1944
Email: oig_foiaappeals@doioig.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

However, should you need to contact me, my telephone number is (202) 208-1644 and the email is foia@doioig.gov.

Sincerely,

Sidrah Miraaj-Raza
Sidrah Miraaj-Raza
Legal Trainee